

From: [Cardiello, Frank](#)
To: [Otero, Camille V.](#); Michael.Bourque@Praxair.com
Bcc: [DiForte, Nicoletta](#); [Rooney, James](#); Thomas.Carroll@USDOJ.GOV; [Gorin, Jonathan](#)
Subject: LCP Chemicals, Inc. Superfund Site
Date: Wednesday, December 10, 2014 3:31:00 PM
Attachments: [EPA Reply 12 10 14 RE Gd Faith Offer.PDF](#)

Dear Counsel: Please see the attached letter. Regards, Frank Cardiello



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

December 10, 2014

VIA EMAIL AND REGULAR MAIL

Camille V. Otero, Director
Gibbons P.C.
One Gateway Center
Newark, New Jersey 07102-5310

Michael Th. Bourque, Esq.
Assistant General Counsel
Global Environmental and Safety
Praxair, Inc.
39 Old Ridgebury Road
Danbury, CT 06810

Re: Notice of Potential Liability and Consent Decree Negotiations
LCP Chemicals, Inc. Superfund Site, Linden, New Jersey

Dear Counsel:

Thank you for your letter of December 8, 2014. Unfortunately, this letter falls far short of what EPA views as being needed in order to move forward with remediation of the LCP Chemicals, Inc. Superfund Site.

As you know, a Record of Decision was issued for this Site in February 2014. EPA previously notified Ashland Inc. and Praxair, Inc. that EPA considered them to be potentially responsible parties regarding the above Site. In an effort to keep the remediation going, EPA thereafter approached Ashland Inc. about conducting treatability studies at the Site under the current Administrative Order on Consent.

On September 25, 2014, EPA sent letters to both Ashland Inc. and Praxair, Inc. requesting that, if they were interested in fully financing and performing the remedial action/remedial design ("RD/RA"), they must submit a written good faith offer within 30 days after that letter. In response to that letter, Ashland requested a 60 day extension in which to respond, and further advised that Ashland would not be conducting the treatability studies. No further work was thereafter conducted or scheduled at the Site. Nonetheless, at the request of both parties, EPA granted a 60 day extension for the companies to respond. The new deadline for submitting a good faith offer to do the RDRA is December 24, 2014.

Ms. Otero's letter of December 8, 2014 does not meet the requirements of a good faith offer. If either or both of the companies would like to meet with EPA prior to submitting a good faith offer, I, and EPA program personnel, will make every effort to be available at our office in New York, N.Y. during the week of December 15th. Alternatively, we can meet with you in our Edison, N.J. office or we can have a conference call during the week of December 15th as well. However, regardless of any meeting or phone call, EPA must receive a good faith offer from Ashland Inc. and Praxair, Inc. which indicates their willingness to perform the RD/RA by December 24, 2014, if they are interested in performing that work.

Thank you for your attention to this matter. We look forward to hearing from you in the very near future.

Sincerely,

A handwritten signature in dark ink, reading "Frank X. Cardiello". The signature is written in a cursive, flowing style.

Frank X. Cardiello
Asst. Regional Counsel
USEPA – Region 2